

identifying a variance of said asset information to said scheduling information;

modifying said scheduling information at said master scheduler to obtain modified scheduling information; and

*B4  
compl.*  
transmitting said modified scheduling information to a program guide system and to a business support system, said program guide system disseminating program guide information and said business support system generating billing information.

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**REMARKS**

In the final Office Action, the Examiner rejected claims 1-3 under 35 U.S.C. § 103(a) as unpatentable over CLARK (U.S. Patent No. 5,383,112) in view of NOURI et al. (U.S. Patent No. 6,088,816), rejected claims 4-8 under 35 U.S.C. § 103(a) as unpatentable over CLARK in view of NOURI et al., and further in view of GARDNER et al. (U.S. Patent No. 5,583,995), rejected claims 10, 17, and 18 under 35 U.S.C. § 103(a) as unpatentable over CLARK in view of DAVIS et al. (U.S. Patent No. 5,576,755), rejected claims 11-14, 21-25, and 27 under 35 U.S.C. § 103(a) as unpatentable over CLARK in view DAVIS et al., and further in view of GARDNER et al., and rejected claims 15, 16, 19, and 20 under 35 U.S.C. § 103(a) as unpatentable over CLARK in view of DAVIS et al., and further in view of GARDNER et al. and NOURI et al.

By this amendment, Applicant proposes amending claims 1, 10, 17, 20, and 21 to improve form. Claims 1-8, 10-25, and 27 remain pending. As will be illustrated below,

Applicant respectfully submits that the present amendment places the application in condition for allowance. Accordingly, entry of the present amendment is respectfully requested.

Applicant appreciates the courtesies extended to Applicant's representative during the personal interview of July 17, 2001.

In the final Office Action, the Examiner rejected claims 1-3 under 35 U.S.C. § 103(a) as allegedly unpatentable over CLARK in view of NOURI et al. Applicant respectfully traverses the rejection.

CLARK is directed to an inventory management system. In CLARK, a serving computer 15 controls the operation of a group of video players 17 in accordance with an exhibition plan or schedule (col. 4, lines 23-26). The exhibition plan includes a five-digit event code, a title, rating code, channel, starting times, dates, run time, and price for each exhibition of a performance (col. 4, lines 34-37).

NOURI et al. is directed to a fault tolerant method for obtaining and displaying, or updating the status of server components through a remote interface board and either a local or remote client machine without intervention of the server operation system software (Abstract).

In contrast, Applicant's amended claim 1 recites a schedule management system arranged to receive and validate a schedule, and a content manager system arranged to monitor and control the loading of assets into a video server according to the validated schedule, where the assets include video content scheduled for staggered transmission to subscribers of the near-video-on-demand system using a plurality of channels, where the

plurality of channels includes a test channel dedicated solely for testing a selected asset, and where the content manager includes a graphical user interface configured to allow an administrator to view the selected asset using the test channel to verify the integrity of the selected asset loaded into the video server. Applicant respectfully submits that CLARK and NOURI et al., whether taken alone or in any reasonable combination, do not disclose this combination of features.

For example, Applicant respectfully submits that CLARK and NOURI et al. do not disclose a test channel dedicated solely to testing a selected asset. The Examiner admitted that CLARK does not disclose this feature (final Office Action, paragraph 1) and relied on lines 1-4 of the Abstract, col. 3, lines 45-60, and col. 6, lines 52-67, of NOURI et al. for allegedly disclosing this feature. Applicant respectfully submits that these sections of NOURI et al. do not disclose or suggest the recited test channel.

The former section of NOURI et al. discloses "[a] fault tolerant method of obtaining and displaying, or updating the status of server components through a Remote Interface Board and either a local or remote client machine without intervention of the server operating system software." This section of NOURI et al. does not disclose or suggest a test channel dedicated solely to testing a selected asset.

Col. 3, lines 45-60, of NOURI et al. discloses that the remote access system provides a system administrator with a view of the health of the server. When the server fails, the remote access system enables the administrator to learn why the system failed, why the system was unable to boot, and to control certain functions of the server remotely

(col. 3, lines 51-54). It is clear that this section of NOURI et al. also fails to disclose or suggest the recited test channel.

Col. 6, lines 52-67, of NOURI et al. describes network Recovery Manager software that allows the system administrator to query the status of the server even when the server is down. This section of NOURI et al. does not disclose or suggest the recited test channel.

In the Advisory Action, the Examiner further alleged that while the communication path in NOURI et al. is used for testing purposes, the communication path is dedicated to testing. In response, Applicant has amended claim 1 to more clearly indicate that the test channel is dedicated solely to testing a selected asset. In the personal Interview of July 17, 2001, the Examiner acknowledged that such claim language distinguishes over the communication path in NOURI et al.

Since CLARK and NOURI et al. do not disclose a test channel dedicated solely to testing a selected asset, these documents cannot disclose the content manager system including a graphical user interface that allows an administrator to view the selected asset using the test channel to verify the integrity of the selected asset loaded into the video server, as also recited in claim 1. The Examiner relied on NOURI et al. for allegedly disclosing this feature. While NOURI et al. appears to disclose that an administrator may view status information of server components (Abstract, lines 1-4), NOURI et al. does not disclose or suggest the administrator having the capability to view a selected asset using a test channel that is dedicated solely to testing to verify the integrity of the selected asset loaded into the video server, as recited in claim 1.

For at least the foregoing reasons, Applicant respectfully submits that claim 1 is patentable over CLARK and NOURI et al., whether taken alone or in any reasonable combination. Applicant further submits that claims 2 and 3, which depend from claim 1, are patentable over CLARK and NOURI et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1.

Claims 4-8 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over CLARK in view of NOURI et al., and further in view of GARDNER et al. Applicant respectfully traverses this rejection.

GARDNER et al. is directed to a data storage and retrieval system. In GARDNER et al., the system allocates the storage of data across one or more levels of I/O devices organized in a hierarchical manner in such a way as to balance the bandwidth imposed on the I/O devices (Abstract).

Applicant submits that GARDNER et al. does not remedy the deficiencies set forth above with respect to the disclosures of CLARK and NOURI et al. Since claims 4-8 depend from claim 1, Applicant submits that claims 4-8 are patentable over CLARK, NOURI et al., and GARDNER et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1.

Claims 10, 17, and 18 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over CLARK in view of DAVIS et al. Applicant respectfully traverses this rejection.

DAVIS et al. is directed to a system that verifies electronic television program guide data. In DAVIS et al., the system automatically checks program listings data in a

database of television program schedule listings used in an electronic program guide  
(Abstract).

Amended independent claim 10 recites an interface configured to allow an administrator to change prices for a schedule based on a trait of a program within the schedule. Applicant submits that CLARK and DAVIS et al., whether taken alone or in any reasonable combination, do not disclose or suggest this feature.

For at least the foregoing reasons, Applicant respectfully submits that claim 10 is patentable over CLARK and DAVIS et al., whether taken alone or in any reasonable combination.

Claim 17 recites a feature similar to that given above with respect to claim 1. Applicant submits that DAVIS et al. does not remedy the deficiencies in the disclosure of CLARK. Accordingly, Applicant submits that claim 17 is patentable over CLARK and DAVIS et al., whether taken alone or in any reasonable combination, for reasons similar to those given above with respect to claim 1. Applicant further submits that claim 18, which depends from claim 17, is patentable over CLARK and DAVIS et al. for at least the reasons given above with respect to claim 17.

Claims 11-14, 21-25, and 27 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over CLARK in view of DAVIS et al., and further in view of GARDNER et al.

Claims 11-14 depend from claim 10. Applicant respectfully submits that GARDNER et al. does not remedy the deficiency in the disclosures of CLARK and DAVIS et al. set forth above with respect to claim 10. As such, Applicant respectfully

submits that claims 11-14 are patentable over CLARK, DAVIS et al., and GARDNER et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 10.

Applicant's claim 21 includes a feature similar to that recited above with respect to claim 1. Applicant respectfully submits that CLARK, DAVIS et al., and GARDNER et al., whether taken alone or in any reasonable combination, do not disclose verifying the integrity of an asset via a test channel that is dedicated solely to testing assets in the video server, as recited in claim 21.

For at least the foregoing reasons, Applicant respectfully submits that claim 21 is patentable over CLARK, DAVIS et al., and GARDNER et al., whether taken alone or in any reasonable combination. Applicant further submits that claims 22-25 and 27, which depend from claim 21, are patentable over CLARK, DAVIS et al., and GARDNER et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 21.

Claims 15, 16, 19, and 20 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over CLARK in view of DAVIS et al., and further in view of GARDNER et al. and NOURI et al. Applicant respectfully traverses this rejection for the following reasons.

Claims 15 and 16 depend from claim 10 and claims 19 and 20 depend from claim 17. Applicant respectfully submits that NOURI et al. and GARDNER et al. do not remedy the deficiencies set forth above with respect to claims 10 and 17. Accordingly, Applicant respectfully submits that claims 15, 16, 19, and 20 are patentable over CLARK,

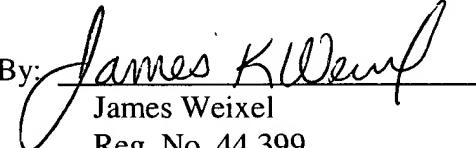
PATENT  
**Expedited Procedure under 37 CFR 1.116**  
Serial No. 09/204,523  
Attorney Docket No. 97-823

DAVIS et al., GARDNER et al., and NOURI et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claims 10 and 17.

In view of the foregoing amendments and remarks, Applicant respectfully requests the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 07-2339 and please credit any excess fees to such deposit account.

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ATTACHMENT SHOWING CHANGES MADE

**IN THE CLAIMS:**

*Claims 1, 10, 17, 20, and 21 have been amended as follows:*

1. (Twice Amended) A master scheduler arranged to control a near-video-on-demand (NVOD) system, the master scheduler comprising:

    a schedule management system arranged to receive and validate a schedule; and

    a content manager system arranged to monitor and control the loading of assets into a video server according to the validated schedule, wherein the assets include video content scheduled for staggered transmission to subscribers of the NVOD system using a plurality of channels, the plurality of channels including a test channel dedicated solely for testing a selected asset,

    wherein the content manager includes a graphical user interface configured to allow an administrator to view the selected asset using the test channel to verify the integrity of the selected asset loaded into the video server.

10. (Amended) A near-video-on-demand (NVOD) system arranged to provide video content to a plurality of subscribers, the NVOD system comprising:

    a video server arranged to store the content in a memory;

a head-end arranged to distribute the content from the video server to the plurality of subscribers over a plurality of channels using staggered transmission of the content;

an electronic program guide (EPG) provider system;

a business support system;

an interface configured to allow an administrator to change prices for a schedule based on a trait of a program within the schedule;

a management processor including a graphic user interface (GUI) to allow an administrator to monitor and control the content of the video server; and

a master scheduler including:

a schedule management system arranged to receive and validate a schedule from a schedule provider, and being responsive to commands from an administrator for processing the validated schedule to generate a finalized schedule of programming events;

a schedule distributor arranged to distribute a finalized schedule of programming events to the video server, the EPG provider system, and the business support system; and

a content manager arranged to monitor and control the loading of assets into the video server according to the finalized schedule.

17. (Amended) A method for controlling a near-video-on-demand (NVOD) system, the method comprising the steps of:

receiving a schedule from a schedule provider;

validating the schedule;

processing the schedule to generate a finalized schedule;

receiving assets including content;

loading the assets into a video server via a group of channels according to the finalized schedule, at least one of the group of channels includes a test channel dedicated solely for testing purposes;

distributing the finalized schedule to the video server, to a business support system, and to an electronic program guide system; and

transmitting the content using staggered transmission over a plurality of channels to subscribers of the NVOD system.

20. (Amended) The method of claim 19 further comprising the steps of:

receiving an asset selection command through the GUI screen to select an asset loaded into the video server;

receiving a test actuation signal through the GUI screen; and

sending the asset to a display of an administrator over [a] the test channel for viewing the selected asset.

21. (Twice Amended) A method for validation of scheduling information comprising:

receiving at a master scheduler said scheduling information from a schedule provider;

receiving an asset from an asset provider;

loading said asset into a video server;

verifying an integrity of said asset via a test channel, the test channel being dedicated solely for testing assets in said video server;

obtaining asset information from said video server;

comparing said asset information to said scheduling information;

identifying a variance of said asset information to said scheduling information;

modifying said scheduling information at said master scheduler to obtain modified scheduling information; and

transmitting said modified scheduling information to a program guide system and to a business support system, said program guide system disseminating program guide information and said business support system generating billing information;